

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C.A.W., K.J.W., and M.E.T.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL TERRELL,

Respondent-Appellant,

and

LATOYIA WILLIAMS, DEMARKO ROUSE, and
ROBERT JACKSON,

Respondents.

UNPUBLISHED
February 18, 2003

No. 242318
Wayne Circuit Court
Family Division
LC No. 99-381952

Before: O'Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to CAW and MET under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that, although respondent-appellant would likely be released from prison only four months after the termination hearing, his uncertain ability to effectively parent and provide proper care or custody for the children, which was a condition of adjudication, had not yet been rectified. Given the fact that respondent-appellant had never been a custodial parent, had violated parole twice causing him to be re-imprisoned all but a few months out of the past four years, was dependent upon a relative for housing following his release, had a learning disability and uncertain continued recovery from substance abuse, the trial court did not err in concluding that there was no reasonable likelihood that respondent-appellant could do a complete about-face and provide a stable home and effective parenting for the children within a reasonable time. Respondent-appellant had never provided care or custody

for the children because he was incarcerated their entire lifetimes, with the exception of a four-month period of release during which he visited and offered financial assistance for CAW. The facts listed above indicate that there was no reasonable expectation that respondent-appellant would be able to provide proper care and custody within a reasonable time. There was no evidence that respondent-appellant would intentionally physically harm the children, yet placing the children in the custody of a parent who was not able to effectively nurture them would harm them developmentally.

Lastly, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462, Mich 341, 356-357; 612 NW2d 407 (2000). Respondent-appellant had never seen MET and had visited two-year-old CAW an unspecified number of times during his four-month release from prison. While the evidence indicated that respondent-appellant cared for the children, it also showed that there was no bond between child and parent. Since no evidence indicated that termination was clearly not in the children's best interests, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell
/s/ E. Thomas Fitzgerald
/s/ Christopher M. Murray